

FOR CRIMINAL LIBEL

NEW YORK SUN'S EDITOR AND PUBLISHER INDICTED.

Outcome of an Article Written by Mr. Dana Reflecting on Frank B. Noyes, of Washington.

WASHINGTON, March 7.—The grand jury for the Supreme Court of the District of Columbia has returned an indictment for criminal libel against Charles A. Dana, editor, and William M. Laffan, publisher, of the New York Sun. The indictment was formally returned by Judge Cole presiding by the foreman of the grand jury to-day. It is a formidable document of many pages, setting forth the malicious motives of Messrs. Dana and Laffan in criminally libeling Frank B. Noyes, of Washington, treasurer of the Executive Committee of the board of directors of the executive committee of the Associated Press. The District Supreme Court is a United States court, and, according to the procedure of such courts, District Attorney Birney will transmit a certified copy of the indictment to the district attorney for the Southern district of New York, located in New York city. It will be submitted to a United States commissioner, who, on satisfying himself of the regularity of the indictment, will issue a criminal warrant for the arrest of Messrs. Dana and Laffan. The commissioner also fixes the amount of bail. The accused have the right of applying for a writ of habeas corpus, to contest the prima facie sufficiency of the procedure, before being arraigned on the indictment. It is expected that the transmission of the indictment to New York and the arrest of the accused will be accomplished within a day or two. The indictment, as returned, contains three counts, setting forth different degrees and instances of criminality in publishing the libel. The proceeding is according to the common law, which, as modified by certain acts of Congress, constitutes the jurisprudence of the District of Columbia.

Before specifying the three criminal counts the indictment sets out the circumstances and motives leading to the publication of the libel. It states that the Associated Press is an incorporated news agency for the wide distribution of news, with branches at New York, Chicago, Washington, St. Louis, San Francisco and throughout the country. Its affairs are managed by a board of directors, of which Mr. Noyes is a member. The indictment then states the facts of the publication of the libel, and the circumstances surrounding it.

DANA'S CHARGE AGAINST NOYES.
The three counts of criminal libel are then given. The first count is very comprehensive. It states that on or about the 1st of January, 1895, the New York Sun published an editorial from which the following is an extract:

"The corporation (meaning the Associated Press) is organized under the Illinois State law and the provisions of that law respecting the personal liability of directors are not amending. We have a careful study of them to the unfortunate and careful paper managers who have been roped in. They are the directors of the Associated Press, of which Mr. Noyes is a member. The indictment then states the facts of the publication of the libel, and the circumstances surrounding it.

The indictment, after stating that the foregoing libel was circulated in New York city, charges that Messrs. Dana and Laffan sent 300 copies of the libel to Washington and thereby published the libel in that city. The indictment is charged with full knowledge of what appears in the libel, and that they published their paper with responsibility for the same. The second count refers particularly to the publication of the libel in Washington. The third count is general in terms, charging that the defendants, by publishing a criminal libel, have committed a crime.

The proceedings have been under the direction of District Attorney Birney, although he has assigned Assistant District Attorney Taggart to conduct the case before the grand jury. Being a criminal and not a civil case, the prosecution is conducted by the public officers as an offense against the public rather than against an individual. The theory of the law being that a libel against Mr. Noyes or any other citizen is an offense against the public and quiet of the community, and is presented in the same manner as a criminal case.

When the warrants are issued, Messrs. Dana and Laffan have three courses open to them. They may plead guilty, and decline to give bail, in which case they will be held in custody until they stand trial. If they give bail it will insure their coming to Washington at the time the case is called on for trial. The grand jury, in the meantime, may test the sufficiency of the charges, and if they find them without going into its details, by returning a writ of habeas corpus.

WILL DANA BE PROSECUTED?
The action of the grand jury in indicting Messrs. Dana and Laffan will undoubtedly add another celebrated case to the annals of American criminal law. While the indictment is one in behalf of the public against the libelers, it is also one in behalf of Mr. Noyes and his conductors. Mr. Laffan is a well-known and respected man, and his reputation is being maintained by this source. It is assumed that these persons are willing to attempt to justify in court this publication against Mr. Noyes and such an effort at justification is not. It is eminently fitting that the case should be tried in Washington, where Mr. Noyes was born and has always lived, and where his reputation is being maintained by this source.

MR. DANA'S EDITORIAL.
The editorial that caused the indictment of Messrs. Dana and Laffan is printed in the New York Sun in its issue of Feb. 27. The portion containing the alleged libel follows:

"The new management has succeeded up to date in administering the affairs of the Western Associated Press so as to lose over half a million dollars, and place it upon a basis of permanent, hopeless and incurable insolvency. In attaining this result we have seen almost daily the methods of the dishonest bank cashier, shifting his assets and his figures to conceal his bankruptcy, hiding one peculation behind another, and contriving balances and stuffing envelopes with sham securities at the approach of the bank examiner. True, to-day he is evaded detection. He lies to the directors, he attends church, he teaches in the Sunday school, he reads in the prayer meeting, his pious exterior would make the penitence of the devil. But the inevitable

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CHINESE LOST, 1880

MANY KILLED AND WOUNDED AT THE BATTLE OF NEW CHANG.

Reported Victory of the Japanese Confirmed from Various Points—Situation in Manchured Korea.

LONDON, March 7.—To-day's dispatches from the Orient confirm the report that New Chang has been captured by the Japanese. Advice received at Hiroshima from General Nodzu, dated Feb. 28, March 7, says that two divisions of the Japanese army, assisted by a regular soldier, both in civilian's dress, came on the party. In the encounter one was killed by the acolyte, who, in turn, was killed, being cut literally to pieces. This occurred on Feb. 21, in the evening. As there was a price on Garcia's head of \$50,000 from the government and about \$25,